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UNCLAS SECTION 01 OF 04 HO CHI MINH CITY 000336

SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, DRL, PRM

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TAGS: PHUM PREF SOCI PREL PGOV KIRF VM RELFREE HUMANR

SUBJECT: FORMER UBCV MONK THICH TRI LUC: RELIEVED AT HIS RELEASE,  
EAGER TO RESETTLE

REF: A) Hanoi 0752 B) 03 Hanoi 2858

1. (SBU) Summary: Pham Van Tuong (protect), formerly known as Thich Tri Luc, met with CG and ConGenoffs for two hours on March 30, 2004, four days after his release from prison. The former monk from the banned Unified Buddhist Church of Vietnam (UBCV) appeared to be in good physical and mental condition, and was eager to discuss his past activities and future plans. He was not at all fearful of repercussions from his visit to the ConGen, having informed the local police matter-of-factly about the meeting in advance. Public security officials had advised him at the time of his release that someone from the USG would be contacting him shortly. They had also advised him that UNHCR would want to speak with him regarding his refugee case, but he had yet to hear from the UNHCR. Tuong was unequivocal in his desire to resettle with his family in the U.S. See para. 12 for suggested press guidance. End Summary.

2. (SBU) During the meeting, which was arranged at the behest of the ConGen, Tuong provided additional background information on his March 12 trial (ref A) to supplement the details already made public by the GVN. The two-hour trial finally took place after three postponements dating back to July 25, 2003. Tuong was kept abreast of those scheduling changes, and provided with copies of all of the court documents related to his case along the way. He was not permitted to retain legal counsel, but his family was allowed to attend the otherwise closed hearing. He assumed that all of the other individuals present in the courtroom were either court officials or public security officers. The GVN presented no witnesses or documentary evidence, but questioned Tuong on his past activities in Vietnam and Cambodia. He declined an offer to present a statement in his own defense. Prior to the trial, public security officials advised him that they would facilitate his resettlement abroad in exchange for his silence on the circumstances of his arrest in Cambodia and the conditions of his imprisonment in Vietnam. Tuong agreed, and was sentenced to 20 months in prison, with credit for time served (19.5 months). He was released on March 26, 2004.

3. (SBU) Tuong's description of the events leading up to his forcible return to Vietnam in July 2002 matched closely the accounts published overseas by the UBCV's Paris-based International Buddhist Information Bureau (IBIB). Recounting his reasons for fleeing Vietnam in the first place, Tuong noted his frustration with continued police surveillance and denial of basic residency rights after his release from a 30-month prison sentence in 1997. That sentence -- imposed for his participation in an unauthorized flood relief project organized by UBCV Deputy Thich Quang Do -- included five additional years of administrative probation after his release. He was also expelled from the Phap Van Pagoda during that time.

4. (SBU) Unable to serve as a monk, Tuong left the UBCV and married in 1999. A son from that marriage was born in 2002, while Tuong was in jail in Ho Chi Minh City. (Note: Tuong also acknowledged getting "married" for the first time and fathering a child while still a monk in 1994, in violation of Buddhist law. He "divorced" the woman two years later, but the child is registered under his surname. His second child is registered under the mother's surname, since Vietnamese law prohibits registering a marriage for someone without household registration. End note.) Tuong claimed his attempts to reenter the monkhood in 2001 were thwarted by GVN security officials. Even after his administrative detention ended in February 2002, the surveillance and harassment continued. Frustrated by his situation, he fled to Cambodia with UBCV monk Thich Tam Van, arriving in Phnom Penh on April 19, 2002.

5. (SBU) Immediately upon their arrival in Cambodia, Tuong and Thich Tam Van sought asylum at the U.S. Embassy in Phnom Penh, where Tuong said they were warmly received. They were given instructions on how to apply for refugee status with UNHCR, and followed them. UNHCR representative Goran Rosen interviewed Tuong on May 31, 2002, and issued him a temporary refugee certificate on June 3, 2002. He received his official refugee certificate (#610) from UNHCR Cambodia Chief Elizabeth Kirten on June 28, 2002. Rosen and resident Human Rights Watch representative Sara Colm were also on hand when he received his certificate. Tuong was not permitted to live in a refugee camp for Vietnamese, which was reserved for ethnic minorities from the Central Highlands. Instead, he was given an allowance of \$85 per month by UNHCR.

UNHCR representatives also gave him phone numbers to call should he get into trouble.

16. (SBU) Throughout his stay in Cambodia, Tuong spent most of his time writing letters to UBCV supporters in the U.S., Australia, and France. They sometimes sent him money for living expenses and postage. Vo Van Ai of the IBIB was among those who provided financial support. Tuong also sent letters to UBCV leaders Thich Huyen Quang and Thich Quang Do in Vietnam, but was not sure they had ever received them, as they had not responded. (He claimed there were no UBCV monks in Phnom Penh.) While most of his letters were critical of the GVN on human rights and religious freedom issues, Tuong claims he never advocated overthrowing the GVN. On June 26, 2002, he sent a report to Human Rights Watch on alleged human rights abuses involving political prisoners in Vietnam. While Tuong told ConGenoffs that none of these letters or his Human Rights Watch report was presented at the trial, he assumed the GVN knew of their existence. In fact, toward the end of his prison term, prison officials had instructed him to recreate these documents from memory as closely as possible and write them down.

17. (SBU) In the weeks before his arrest, Tuong heard rumors that Vietnamese police in Phnom Penh were looking for him. In fact, Vietnamese officials had already questioned Thich Tam Van on several occasions. (Note: According to Tuong, UNHCR quickly granted Thich Tam Van refugee status the day after his arrest, and he was subsequently resettled in the U.S. End note.) On July 25, 2002 at approximately 7:00 p.m., Tuong was shopping near his guesthouse in Phnom Penh when he was surrounded by a group of Vietnamese and Cambodian security officials, forced into a car (license plate 2475 plus two Khmer characters), handcuffed, and beaten. He guessed that many of the officers were Vietnamese by the fact that they spoke to him in his mother tongue. Despite Tuong's protestations that he was under UNHCR protection, the police confiscated his refugee card, drove him to an "international police" station, placed him in a tourist vehicle, and then drove him to a different police station, where he spent the night in handcuffs. In the morning, the original car drove him to the Moc Bai border crossing in Tay Ninh Province, Vietnam, where waiting Vietnamese officials took custody and transferred him to the municipal detention center at 237 Nguyen Van Cu Street in Ho Chi Minh City. Tuong said his original arrest record indicated that he was arrested at the border, but this report was later replaced by a report showing that he was arrested in Tay Ninh province for "fleeing the country to oppose the State."

18. (SBU) During Tuong's first five months in prison, this particular detention center was used to house some of the 155 defendants in the landmark Nam Cam corruption trial, so prisoners often had to share cells. Block C, where Tuong was housed, contained 15 special cells of about nine square meters each, with very small openings for ventilation and no outside light. With their doors closed, Tuong likened the environment to being "inside a pot with its lid on." Constant street noise from just outside the wall made conditions even more unbearable. Prisoners were allowed out briefly to pick up food and bring it back to their cells, but they were not allowed to talk during this time. Tuong was aware of some of the other notable prisoners in the facility, including Father Ly's nephews and Dr. Nguyen Dan Que. He saw Dr. Que pick up food once in February, and thought he looked healthy, but he heard from others that Dr. Que was sometimes ill. Once a week, prisoners were also allowed to purchase food or other items with money provided by family. Tuong's family did not know about his imprisonment for almost a year and so could not provide funds. When Tuong noticed he was receiving larger portions than the other prisoners, however, he asked for money in place of the extra food. Prison officials then provided him with a monthly allowance of 90,000 Vietnamese dong (about US\$6) per month. While prison officials treated him well, he was frequently interrogated about his activities in Cambodia, especially about his June 26 report to Human Rights Watch. He was only allowed to see his family once during his imprisonment, on August 22, 2003.

19. (SBU) In a slight detour from his story, Tuong excitedly related his prison conversations with his cellmate for four months, Major Ho Tran Lap (protect), a former military intelligence officer and one-time Communist Party member. Lap was serving a twelve-year sentence for telecommunications fraud (setting up a callback service), but also appeared to have turned into something of a dissident. Lap told him that the Vietnamese had left behind many military intelligence agents when they pulled out of Cambodia in 1983, including Unit X-11, which specialized in watching Vietnamese and other "hostile forces" in Cambodia. Lap also told Tuong that he was 70 percent certain American prisoners of war were still being held in secret military prisons in the North, but refused to provide more details. When asked whether Lap might have been sent to spy on him, Tuong stated that he trusted Lap, in part because of a story Lap shared about another military intelligence agent, Phan Dien, who was murdered in Ho Chi Minh City in 1981. Tuong said Lap felt "cheated" by the Party and had become a democracy advocate instead.

10. (SBU) After his release, Tuong moved in with his wife's family in Thu Duc District, Ho Chi Minh City. He was told that all of his rights as a citizen were restored, and felt he was under no restrictions or surveillance at present. On March 29, he applied

for a new household registration book -- required to obtain residency and receive a variety of employment, education, and health benefits -- in Long Thanh District of neighboring Dong Nai Province, but has yet to receive an answer from authorities on his application. In the meantime, he had applied for temporary residence in Thu Duc, where his application was also pending. He had told the police in Thu Duc that he would be attending a meeting at the ConGen. Regarding the UBCV, Tuong said he had not yet been in contact with any of his former UBCV colleagues in Vietnam. He had, however, already spoken with Vo Van Ai of the IBIB by telephone. At Ai's request, Tuong had prepared a full report on his case and was endeavoring to find a way to send it to the IBIB. He said that Ai wanted to use the information to "fight back" against GVN misinformation on his case.

11. (SBU) Tuong told ConGenoffs in no uncertain terms that he was only interested in resettlement in the U.S., not in any other country, including Australia. He hoped his current wife and 18-month-old son would be able to join him there. His future plans in the U.S. would include once again becoming a Buddhist monk with the UBCV and performing religious activities as assigned. When questioned, he did not clearly differentiate between religious activities as a monk and activities related to advancing religious freedom in Vietnam.

12. (U) Begin suggested press guidance (to supplement EAP Press Guidance dated March 16, 2004):

Q. Can you confirm that Mr. Pham Van Tuong (aka Thich Tri Luc) has met with officials at the U.S. Consulate General in Ho Chi Minh City?

A. Mr. Pham Van Tuong, formerly known as Thich Tri Luc when he was a monk with the outlawed Unified Buddhist Church of Vietnam (UBCV), was released from prison in Ho Chi Minh City on March 26, after finishing a 20-month sentence imposed by the Vietnamese Government. Consulate General officials invited him to the Consulate General for a meeting on March 30, which he openly accepted.

Q. Can you provide any details on the meeting, or discuss progress on his pending refugee case?

A. Mr. Tuong spoke with officials of the U.S. Consulate General in Ho Chi Minh City in confidence regarding his current situation and the Consulate will continue to keep in contact with him. He does not appear to be under any restrictions or surveillance at the moment. I would refer you to UNHCR for any details on his pending refugee case.

Background: Former UBCV monk Thich Tri Luc was allegedly kidnapped by Cambodian and Vietnamese police in July 2002 in Phnom Penh, and forcibly repatriated to Vietnam to stand trial for "fleeing abroad to oppose the State" (Article 91). Imprisoned since July 2002, he finally stood trial on March 12, 2004, and was sentenced to 20 months, which with time served resulted in his release on March 26, 2004. The Vietnamese Government claimed that they did not know the former monk had been granted refugee status by the UNHCR in Phnom Penh in June 2002, nor did they have any idea of his whereabouts. The former monk's case has been raised by Human Rights Watch and the International Buddhist Information Bureau.

End suggested press guidance.

13. (SBU) Post Note: Based on what Tuong himself said and after reviewing several documents that he left with ConGenoffs, it appears there were several instances where his case could have taken a turn for the worse -- but didn't. First, the penalty for a violation of Article 91 is normally three years to life imprisonment. Instead, it appears the security officials and Tuong were able to reach an accommodation that satisfied both and resulted in a 20-month sentence with time served. Tuong could also have been charged with espionage -- defined by the GVN as providing national security information to foreigners in exchange for money -- as in the cases of the so-called "Internet activists," but he wasn't. Second, since nobody actually knew where Tuong was being held during 2002-2003, it would have been easy for him to "be disappeared." Third, a reading of the documents Tuong supplied indicates that GVN authorities played by the rules in obtaining legal extensions for the investigation period and for the trial postponements. Tuong himself said that he was kept informed of the twists and turns of his case in a timely manner. Fourth, the prison officials made accommodations for Tuong, as a prisoner who had no family to provide additional funds for food or other items. This brief glimpse into Vietnam's dysfunctional legal system indicates that while the GVN fails on the fundamental principles of religious freedom and due process, there are times when it makes the "right" decisions within the twisted parameters of its own rules. End Note.

14. (SBU) Comment: Tuong was relaxed and talkative during the meeting, but quite thoughtful at the same time. He seemed genuinely pleased to be on American soil -- his "dream for the past 18 years" -- and offered what seemed to be sincere condolences on the tragic events of September 11. He also appeared to be genuinely convinced by Major Lap's account of American POW/MIAs, and surprised that others might try to trade

such information for money or immigrant visas to the U.S. At the same time, Tuong seemed to exhibit a certain naivete, as when he discussed the report he had just prepared for the IBIB's Vo Van Ai. When he mentioned that he was trying to find a secure means to mail the report, ConGenoffs drew his attention to the warning he had received upon his release from prison. Tuong's "solution" was simply to email the document, since he could make up any address he wanted and the GVN would never know he was the source. He did not seem to comprehend that if the only two eyewitnesses to particular events were the Vietnamese police and him, then it would be easy to figure out who sent the email. He also stopped momentarily during his discussion of prison conditions, when he suddenly realized he had pledged not to mention that topic after his release.

15. (SBU) Tuong is clearly a sympathetic figure who has paid his dues. Born in Hue in 1954, he became a novice at 10 years of age to then-UBCV Patriarch Thich Don Hau at Linh Mu Pagoda. He has a long history of arrests and imprisonment for his beliefs, including a sentence of two years reeducation in 1981 for "illegally leaving the country", and 10 months house arrest in 1992 for his efforts to promote religious freedom.  
YAMAUCHI